



Emily Berry <emilyberry@utah.gov>

Outgoing

Bond Documentation for the TME Mine M/47/0089

2 messages

April Abate <aprilabate@utah.gov>

Mon, Aug 4, 2014 at 4:16 PM

To: Vladimir Podlibskiy <consvp@gmail.com>

Cc: Emily Berry <emilyberry@utah.gov>

Hello Vladimir,

As you requested, I was able to get the proof of bond coverage your investors were looking for. The current bond is held in the form of a letter of credit, an acceptable form of financial assurance per our rules. Some fields are blank because the confidential information has been blocked out for privacy purposes.

Please let me know if you have any other questions.

Regards,
April

—

April A. Abate
Environmental Scientist III
Utah Division of Oil, Gas, & Mining
O: 801-538-5214
M: 801-232-1339
Hours M-Th 7-5



20140804160807.pdf

214K

VP <consvp@gmail.com>

Mon, Aug 4, 2014 at 5:15 PM

To: April Abate <aprilabate@utah.gov>

Cc: Emily Berry <emilyberry@utah.gov>

Thanks April,

This document will be of a great help to us and we will keep it confidential.

Best regards,
Vladimir

[Quoted text hidden]



usbank.com

U.S. Bank National Association
Standby Letters of Credit: BC-MN-H20G
800 Nicollet Mall
Minneapolis, Minnesota 55402

SWIFT: USBKUS44
TELEX:
Phone: 866-359-2503 x 5854
612-303-7395
Fax: 612-303-5226

Letter of Credit No.

Issue Date: September 8, 2008

Beneficiary:
STATE OF UTAH
UTAH DIVISION OF OIL, GAS AND MINING (DOGM)
1594 WEST NORTH TEMPLE SUITE 1210
SALT LAKE CITY, UTAH 84116

Re: TME Asphalt Ridge LLC, DOGM issued permit number M0470089

Gentlemen and Ladies:

1. U.S. Bank National Association, ("Bank"), of Minneapolis, Minnesota, hereby establishes this irrevocable letter of credit (the "Letter of Credit") in favor of the Utah Division of Oil, Gas and Mining ("Division") for an aggregate amount not to exceed \$1,151,713.00 in United States dollars ("Face Amount") effective immediately; on behalf of TME Asphalt Ridge LLC ("Operator") for asphalt mining operation under DOGM Issued Permit No. M0470089.

2. This letter of credit will expire the date upon the first event set forth as follows: (a) 5:00 o'clock p.m. (Mountain time) on September 5, 2009 or (b) the date upon which sufficient documents are executed by the Division to release TME Asphalt Ridge LLC ("Operator") from further liability for reclamation of the TME Asphalt Ridge, M0470089, with notice to Bank by the Division accompanied by the original Letter of Credit with directions for termination.

3. This Letter of Credit issued on September 8, 2008 will be automatically extended for successive periods of one year from the current or any future issuance date unless 90 days prior to the issuance date of the following year, the Bank sends notice to the Division by any courier service or by registered United States mail 'return receipt requested' that the Bank elects NOT to extend the Letter of Credit.

4. Funds under the Letter of Credit are available against the Division's sight draft, in the form of Exhibit A, specifying Letter of Credit No. _____ delivered to the office of the Bank, 800 Nicollet Mall, Minneapolis, Minnesota 55402, Attn: Standby L/C Dept. BC-MN-H20G. At the Division's sole election, the Division may present sight drafts for less than the Face Amount so long as the aggregate amount of all sight drafts does not exceed the Face Amount. Each draft must be accompanied by a certificate in the form of Exhibit B, signed by a duly authorized representative of the Division.

5. If the Bank receives the Division's sight draft(s) and certificate(s) as provided in Paragraph No. 4 above on or before the termination of this Letter of Credit, the Bank will make such amount as the Division may specify, within the limits of the second sentence of Paragraph No. 4 of this Letter of Credit, available to the Division no later than the close of business, Salt Lake City time, on the second business day following the Bank's receipt of the sight draft and certificate and in such a manner as the Division may specify. "Business Day" means any day that is not a Saturday, Sunday or other day on which commercial banks in the State of Minnesota are authorized or required by law to close.

Continued on Page 2





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September 8, 2008

6. The Bank will give prompt notice to the Operator and to the Division Director of any notice received or action filed alleging the insolvency or bankruptcy of the Bank, or alleging any violations of regulatory requirements, which could result in suspension or revocation of the Bank's charter or license to do business.

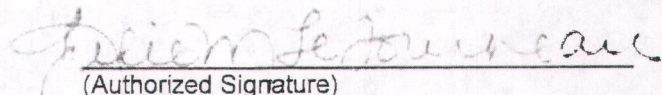
7. The Letter of Credit will be governed by the laws of the State of Utah and shall be subject to the Uniform Customs and Practice for Documentary Credit, 1993 revision, International Chamber of Commerce Publication No. 500, as the same may be amended and in effect from time to time ("UCP"). In the event of a conflict between Utah law and the UCP, Utah law shall govern.

8. All communications regarding this Letter of Credit will be addressed to the Bank, 800 Nicollet Mall, Minneapolis Minnesota 55402, Attn: Standby L/C Dept. BC-MN-H20G, referencing Letter of Credit No.

9. In the event the Bank gives notice to the Division that the expiration date of the Letter of Credit will not be extended, the Division may, until the current expiration date of the Letter of Credit, draw under the Letter of Credit against its sight draft(s) in accordance with the provisions of Paragraph 4.

Very truly yours,

U.S. Bank National Association
Name of Bank


(Authorized Signature)

By: Julie M. LeTourneau
Title: International Banking Officer



EXHIBIT A - SIGHT DRAFT
to
Letter of Credit Number

Date	City, County	Letter of Credit No.
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PAY TO THE ORDER OF: _____ Utah Division of Oil, Gas and Mining, _____
_____ DOLLARS

TO:
U.S. Bank National Association
Standby Letters of Credit: BC-MN-H20G
800 Nicollet Mall
Minneapolis, Minnesota 55402

Utah Division of Oil, Gas and Mining
1594 West North Temple, Suite 1210
Box 145801
Salt Lake City, Utah 84114-5801

By: _____
Authorized Signature

1

EXHIBIT B

**to
Letter of Credit Number**

I, _____ a duly authorized representative of the Utah Division of Oil, Gas and Mining, hereby certify that (1) the drawing in the amount of \$ _____ by sight draft accompanying this certificate, under Letter of Credit No. _____ dated _____ issued by you is permitted under the provision of the Letter of Credit, (2) the Letter of Credit has neither expired nor terminated pursuant to its terms, (3) the amount of the sight draft, together with any amounts previously drawn under the Letter of Credit, does not exceed the Face Amount, and (4) the amount to be drawn is necessary to assure or complete reclamation of the TME Asphalt Ridge, number M0470089 in accordance with applicable law.

The Utah Division of Oil, Gas and Mining

By: _____
Authorized Signature
The Utah Division of Oil, Gas and Mining

Date _____



usbank.com

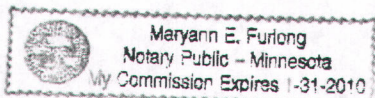
AFFIDAVIT OF QUALIFICATION OF BANK

On the 8th day of September, 2008, Julie M LeTourneau personally appeared before me, who being by me duly sworn did say that he/she, the said Bank Authorized Officer is the International Banking Officer of U.S. Bank National Association and duly acknowledged that said instrument was signed on behalf of said company by authority of its bylaws or a resolution of its board of directors and said Bank Authorized Officer duly acknowledged to me that said company executed the same, and that he/she is duly authorized to execute and deliver the foregoing obligations; and that he/she as such officer, acknowledged said instrument to be the free act and deed of said bank for the uses and purposes of said instrument as set forth therein.

Signed: [Signature]
Bank Authorized Officer
Title: Trade Letter of Credit Manager
Name: Kathleen Czanstkowski

STATE OF MINN)
COUNTY OF Hennepin) ss.

Subscribed and sworn to before me this 8th day of September, 2008



My Commission Expires:

1-31, 2010

[Signature]
Notary Public

Residing at: 500 N. Robert St.

Maplewood MN 55402

